

**WILLIAMSBURG CITY COUNCIL  
WORK SESSION MINUTES  
DECEMBER 6, 2004**

The Williamsburg City Council held a work session on December 6, 2004, 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Hudson, Serra, Nester, and Assistant City Manager Miller.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**OPEN FORUM**

Mayor Zeidler opened the comment session.

**Mr. George Greenia, 636 Counselors Close**, addressed Council in support of adding "sexual orientation" to the city's non-discrimination policy. He provided Council with written comments and information regarding "Non-Discrimination Policies in Other Virginia Cities" (attached). Mr. Greenia spoke of harassment and discrimination against gay and lesbian residents, and even violence. He appreciated Council's consideration of this matter and said that they are the only body to take a stand for the community, and he urged Council to take action at this time.

**Trey Davis, 1518 Creek Court, James City County**, expressed his support of the non-discrimination policy. He is an openly gay employee of James City County. The County includes sexual orientation in their non-discrimination policy, which he felt has had positive impact on his peers. He felt it was an uphill battle for gays to live in Virginia, and urged Council to do the right thing and support this measure.

**BACKGROUND PRESENTATIONS/DISCUSSIONS**

**Kiwanis Park—Proposed Master Plan, Paul Hudson**

Reference for this item was Mr. Tuttle's report dated December 2, 2004, and supporting materials.

Mr. Tuttle reviewed the information provided in his report. Kiwanis Park is undergoing a transition and the upgrade of the Park is included in the Capital Improvement Program (CIP) over the next five years. Many of the facilities are in need of improvement. Paul Hudson has been working with Hopke and Associates to develop a new master plan for the renovation of this site. The plan is based on an earlier concept plan prepared by Carlton Abbott. This matter is now ready for Council discussion and at a decision point for future direction. Mr. Hudson will address the plans.

Mr. Hudson said that the park was opened 35 years ago and previously was the home for Williamsburg baseball. He reviewed an overhead layout of the park in the 1970s and the park today. The park is in need of improvements since most of the amenities in the park have exceeded their useful life. The proposed improvements would create the opportunity to consolidate the youth softball programs, allow for efficient maintenance and use of equipment, and provide a quality facility for our youth.

Mr. Hudson reviewed the drawings for the park that were included in Council's packets, including "Phase Three and Four," which would provide more freedom of movement in the parking and field development, minimize the loss of trees and develop a walking/biking trail through the woods. This was an ambitious plan, costing \$1 Million. The "Phase One" plan would add one ball field with no change in parking. "Phase Two" added one ball field and expanded parking. Mr. Hudson addressed the "Kiwanis Park Development Schedule" (See Attached) for Fiscal Years 06 and 07, through Fiscal Year 2010. Mr. Hudson said there are several options for Council to consider and Council's direction is needed.

Council members and Mr. Hudson discussed the master plan. They discussed the reallocation of current CIP funds, the original Open Space Plan created by Carlton Abbott, and the minimal impact on surrounding neighborhoods. Regarding projected use, Mr. Hudson said that three fields could handle area growth, and a fourth field would allow for expansion.

Mr. Haulman requested information about the growth and use of the Kiwanis fields over the last ten years and consideration of how the walking/bike trails could be used to connect neighborhoods and High Street. Mr. Hudson said the department was looking at the Longhill Loop and other surrounding trail/walkway connections.

Mr. Chohany said he would like information about the relationship between the city and James City County, and the demand for use of the facilities. Mr. Hudson noted that since youth league baseball moved to the county, city teams could consolidate play at the park. During the season from mid-April to early October, approximately 255 games are played. With lighting, games could start later in the day to accommodate more play.

Mr. Scruggs supported the maintenance and the refurbishment of the park. He requested that Mr. Hudson refresh him about the city/county relationship concerning cross investment. Mr. Scruggs noted that the city had managed to keep the fifteen acres at the park site green space.

Mr. Freiling was pleased that the plan was flexible and designed so that it could be updated in phases. He suggested that warning tracks be used as a safety measure. Mr. Hudson said that the proposed improvements would not impact traffic volumes in the area.

The Mayor noted that Council will visit this plan in the CIP at budget time.

### **Report of City Attorney and City Manager on Equal Employment Opportunity Policy**

Reference for this item was Mr. Tuttle's report dated December 2, 2004, and Mr. Phillips report dated November 15, 2004. At the November meeting, Council referred this proposal to Mr. Tuttle and Mr. Phillips for study.

Mayor Zeidler thanked Mr. Tuttle and Mr. Phillips for their reports and requested that this item be added to the December 9 agenda.

Mr. Haulman was appreciative of the legal advice. He supported adding the phrase “sexual orientation” to our existing EEO policy statement for the following reasons:

First, this is our policy in practice – it should also be our stated policy for many reasons including transparency in the way the city does business.

Second, there are some who say the protections added by including sexual orientation in our policy are already implied in the existing policy. The problem with this argument is that the history of implied civil rights protections across our nation is not one to be proud of, and has most often meant no protection at all.

Third, the argument that this will lead to an unending list of requests is not a compelling reason. The extension of civil rights has been this nation’s long overdue response to the promises of the Revolution, the Constitution, and the Bill of Rights, and such rights are a blessing for all to benefit from. In addition, sexual orientation is on a different plane because historically we know sexual differences have been used against individuals across the country in a variety of ways, sometimes violent. As long as there are groups of citizens with legitimate concerns regarding the protection of civil rights, we must stand ready to recognize those rights and protect them no matter how long the list might be. Finally, it is the right thing to do.

Mr. Haulman said he is prepared to make a motion at the Thursday meeting.

Mayor Zeidler noted that citizens should make comments prior to the December 9 meeting. The Open Forum session at Thursday’s meeting will be held at the end of the meeting.

Level Three Underground Communication Line: Mr. Phillips said that Mr. Clayton has been working on this proposed agreement and is expecting to receive the agreement from the Level Three Communications representative on December 7. He asked that Council add execution of the agreement to the December 9 agenda. Council concurred. Mr. Phillips will provide Council with copies of the agreement prior to the meeting.

**Preview of City Council Meeting: December 9, 2004**

No additional information was requested.

**City Council Communications**

Hospital Reuse Committee: Mayor Zeidler said that the Committee will meet on Tuesday, December 7, 7:00 p.m. at the Library Arts Center Auditorium. This will be an opportunity for citizens to comment and provide feedback.

Third High School Referendum and Performing Arts Center: Mayor Zeidler informed Council members that she had received a letter from Bob Fritz (also sent to the Chairman of the School Board and Board of Supervisors) regarding passage of the third high school referendum and locating a performing arts center at the third high school. Mr. Fritz asked that the three governing bodies take a position on this. She responded to him that it was

premature for Council to take a stand before hearing from the School Board regarding the impact of a performing arts center on school activities. Mr. Freiling echoed the Mayor's comments and said he did not want it to appear that Council was pressuring the School Board.

#### **Schedule of Meetings: December 2004**

Council members received a copy of the meeting calendar for December.

#### **Open Forum**

Mayor Zeidler opened the comment session.

No one wished to speak.

The session was closed.

#### **CLOSED SESSION**

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph one, concerning appointments to board and commissions, two property matters per subparagraph 3, regarding acquisition of property for the Municipal Center of which discussion in an open meeting would adversely affect bargaining position or negotiating strategy of public body; and the disposition of watershed property of which discussion in an open meeting would adversely affect bargaining position or negotiating strategy of public body; and one legal matter per subparagraph 7 for the purpose of consultation on specific legal matters requiring the provision of legal advice by counsel, concerning contract obligations. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 3:00 p.m.

The Mayor called a five-minute recess.

At 5:03 p.m., Council met in Open Session.

Mr. Chohany Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

#### **CERTIFICATION OF CLOSED MEETING**

Date: December 6, 2004

Motion: Mr. Haulman; Second: Mr. Freiling

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 5:04 p.m.

Approved: January 13, 2005

Shelia Y. Crist  
Clerk of Council

Jeanne Zeidler  
Mayor